

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION

CIVIL CASE NO. 2:13cv11

GEORGE CARD,)
Plaintiff,)
vs.) ORDER
CAROLYN W. COLVIN,¹)
Acting Commissioner of the)
Social Security Administration,)
Defendant.)

)

THIS MATTER is before the Court the Memorandum and
Recommendation of Magistrate Judge Dennis L. Howell [Doc. 8].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of
Designation of this Court, United States Magistrate Judge Dennis L. Howell
was designated to consider non-dispositive matters in this case. On
February 27, 2013, the Magistrate Judge issued an Order to Show Cause
why this case should not be transferred for lack of proper venue. [Doc. 5].
The Plaintiff responded to that Order to Show Cause. [Doc. 7].

¹ Carolina W. Colvin was named Acting Commissioner of the Social Security Administration on February 14, 2013.

On March 19, 2013, the Magistrate Judge filed a Memorandum and Recommendation in which he recommended either dismissing this action without prejudice based on improper venue or transferring this action to the appropriate United States District Court in Florida. [Doc.8]. The parties were advised that any objections to the Magistrate Judge's conclusions and recommendations were to be filed in writing within fourteen days of service of the Recommendation and that failure to file objections to the Memorandum and Recommendation would preclude the parties from raising any objection on appeal. [Id., at 3]. The period within which to file objections expired on April 5, 2013 and no written objections to the Memorandum and Recommendation have been filed by either party.

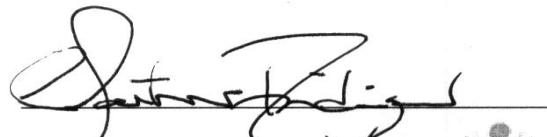
The Plaintiff filed a document entitled "Memorandum regarding Report and Recommendation." [Doc. 10]. In that pleading, Plaintiff's counsel candidly admitted that he did not intend to file Objections to the Memorandum and Recommendation because the Magistrate Judge correctly ruled that venue in this Court is improper due to the Plaintiff's current residency in Lake City, Florida. [Id. at 1]. Counsel requested, however, that this case be transferred rather than dismissed in order to protect the Plaintiff's ability to obtain review of the Commissioner's decision.

Having conducted a careful review, the Court concludes that the Magistrate Judge's recommendation is supported by the record and the law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendation and will transfer this case to the United States District Court for the Middle District of Florida (Jacksonville Division).

ORDER

IT IS, THEREFORE, ORDERED that this case is hereby **TRANSFERRED** to the United States District Court for the Middle District of Florida.

Signed: April 11, 2013



Martin Reidinger
United States District Judge

